

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM

Section 7, Village of Chama

**ORDER MAKING FINAL DETERMINATION OF PRIORITY DATES
AND IRRIGATION WATER REQUIREMENTS OF
THE WATER RIGHTS OF THE JICARILLA APACHE NATION
IN THE VILLAGE OF CHAMA SUBSECTION**

THIS MATTER is before the Court on the December 4, 2013 Motion of the Plaintiff State of New Mexico, *ex rel.*, State Engineer (“State”) for Order Making Final Determination of Priority Dates and Irrigation Water Requirements of the Jicarilla Apache Nation (“Nation”) in the Village of Chama Subsection (Doc. No. 10977). No responses opposing the motion have been filed.

The Court, having reviewed the Motion, pertinent portions of the record and the law, and being otherwise fully advised in the premises, finds the Motion to be well-taken, and that it should be GRANTED. Further, the Court FINDS that:

Each of the individual subfile defendants in the Village of Chama Subsection have been served with the Court’s Notice and Order to Show Cause (“OSC”) in connection with the proposed determination of priority dates and irrigation water requirements in the Village of Chama Subsection of Section 7 of the Rio Chama Stream System. (Cert. of Service, Doc. 10918).

The OSC has been published in the Rio Grande Sun once each week for 4 consecutive weeks, the first publication being on the 6th day of June 2013, and the last publication being on 27th day of June 2013. (Proof of Publication, Doc. 10925).

Notice of the proposed determination of priority dates and irrigation water requirements in the Village of Chama Subsection has been provided to all claimants, known and unknown, who may claim or have a right to use the surface or underground waters of the Village of Chama Subsection of Section 7 of the Rio Chama Stream System.

The OSC required all claimants who disagree with the State's proposed determination of priority dates and irrigation water requirements of water rights on lands irrigated by the Nation under a permit for the transfer of water rights approved by the State Engineer, or for water rights on lands irrigated from a pre-basin groundwater well located on the Jicarilla Apache Reservation in the Village of Chama Subsection, to file an objection to the State's proposals by August 1, 2013. No objections to the State's proposals with respect the Nation's water rights in the Village of Chama Subsection were filed with the Court.

There is no just reason for delay for the entry of a final judgment as to priority dates and irrigation water requirements of water rights on lands irrigated by the Nation under a permit for the transfer of water rights approved by the State Engineer, or for water rights on lands irrigated from a pre-basin groundwater well located on the Jicarilla Apache Reservation in the Village of Chama Subsection, and the Court enters this Order as a final judgment as to the priority dates of the water rights described herein. This determination is not subject to a general right of claimants in the Village of Chama Subsection to file objections to individual adjudication orders, and precludes all persons, known and unknown, who claim a right to use the surface waters or underground waters of the Village of Chama Subsection from making any and all objections to the priority dates and

irrigation water requirements described herein during future *inter se* proceedings.

IT IS THEREFORE ORDERED that the priority dates of the water rights on lands irrigated by the Jicarilla Apache Nation under a permit for the transfer of water rights approved by the State Engineer, or for water rights on lands irrigated from a pre-basin groundwater well located on the Jicarilla Apache Reservation in the Chama Village Subsection, are adjudicated as follows:

<u>Subfile No.</u>	<u>Acres</u>	<u>Ditch and/or Well(s)</u>	<u>Priority Date</u>
CHCV-001-0006	92.5	Mound Well Willow Creek Well	March 24, 1964
	181.8	Little Willow Creek North Ditch	December 4, 1922
		Mound Well Willow Creek Well	March 24, 1964
	23.2	Little Willow Creek North Ditch	February 2, 1926
		Mound Well Willow Creek Well	March 24, 1964
CHCV-005-0005	9.0	Little Willow Creek South Ditch	August 1, 1902
	88.15	Vaughn Well No. 1	August 14, 1963
CHCV-006-0006	50.75	Vaughn Well No. 1	August 14, 1963
	5.10	Iron Spring Well	April 25, 1964
	24.2	Vaughn Well No. 1 Iron Spring Well	August 14, 1963
CHCV-008-0001	8.4	Bear Canyon Well	May 1, 1964
	160.6	Iron Spring Well Bear Canyon Well	April 25, 1964
CHCV-009-0001	88.26	Well RG-19060	February 17, 1970

IT IS FURTHER ORDERED that the irrigation water requirements of the water rights on lands irrigated by the Jicarilla Apache Nation under a permit for the transfer of water rights approved by the State Engineer, or for water rights on lands irrigated from a pre-basin groundwater well located on the Jicarilla Apache Reservation in the Chama Village Subsection, are adjudicated as follows:

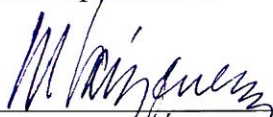
<u>Subfile No.</u>	<u>CIR</u>	<u>FDR</u>	<u>PDR</u>
CHCV-001-0006			
Groundwater	1.05 ac-ft/ac/an	2.63 ac-ft/ac/an*	not applicable
Surface water	1.05 ac-ft/ac/an	1.5 ac-ft/ac/an	2.5 ac-ft/ac/an
CHCV-005-0005			
Groundwater	1.05 ac-ft/ac/an	2.63 ac-ft/ac/an*	not applicable
Surface water	1.05 ac-ft/ac/an	1.5 ac-ft/ac/an	2.5 ac-ft/ac/an
CHCV-006-0006			
Groundwater	1.05 ac-ft/ac/an	2.63 ac-ft/ac/an*	not applicable
CHCV-008-0001			
Groundwater	1.05 ac-ft/ac/an	2.63 ac-ft/ac/an*	not applicable
CHCV-009-0001			
Groundwater	1.05 ac-ft/ac/an	2.63 ac-ft/ac/an*	not applicable
		* measured at the well	

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per

year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year.

IT IS FURTHER ORDERED that the elements of the Nations's water rights described in individual subfile orders in the Village of Chama are amended and revised to incorporate the priority dates and irrigation water requirements described above.

IT IS FURTHER ORDERED that any diversion and use of the waters of the Rio Chama Stream System in the Village of Chama Subsection of Section 7 by the Nation except in strict accordance with the water rights described herein is prohibited.



MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE